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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,519	08/10/2001	Luca Chiarabini	60004035-3	4981

7590 06/27/2005

HEWLETT-PACKARD COMPANY  
 Intellectual Property Administration  
 P. O. Box 272400  
 Fort Collins, CO 80527-2400

EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/925,519

Applicant(s)

CHIARABINI ET AL.

Examiner

James H. Zurita

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-9 and 11-26 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Invention III.b (claims 10 and 12) in the reply filed on 14 April 2005 is acknowledged.

Applicant admits that his claims are drawn to at least 4 different inventions. Yet, applicant argues that the restriction requirement is improper because:

- ...examining the Application on its merits does not place the Office under a serious burden [pages 12-13].
- ... the current restriction requirement is unduly burdensome on the Applicant [pages 14-15].
- ...[election/restriction requirement] will increase the burden on the Office [page 16].

Applicant's arguments have been very carefully considered but are not persuasive for reasons set forth in the prior office action. The Examiner again finds that examining 10 (or 4) different inventions is unduly burdensome on the Office.

The requirement is still deemed proper and is therefore made FINAL.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Applications Nos. 0020759.7, filed 08/24/2000 in the UNITED KINGDOM, and 0019774.9, filed 08/11/2000 in the UNITED KINGDOM.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "404" in Fig. 4 has been used to designate both a

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communications port and a processor. This should be changed to **405**. Other errors include:

In Fig. 6, item 602 is not described. See paragraph 83.

In Fig. 8, item 209 is not described. Item 808 appears twice, one as shipping department and the second time pointing to the finishing department.

In Fig. 9, items 901 and 904 are not described. See paragraph 86.

In Fig. 10, the **no** line from decision block 1006 needs an arrow.

In Fig. 11, item 1106 is not described.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumberg et al. (PG-PUB 2003/0140315), filed 7 June 1999.

**As per claim 10**, Blumberg discloses methods for providing on-line print services, said method comprising the steps of:

receiving at least one order for print products on-line. See, for example, at least references to receiving print orders at vendors, as in paragraphs 6-8.

electronically distributing said at least one order to at least one print service provider facility. See, for example, paragraph 42, which discloses routing to in-house print center or external service providers. See also paragraph 117, concerning routing a job to appropriate print service providers. See also references to distributing print orders to available printers at reproduction centers and other print facilities, as in paragraph 147. See also references to distributing print orders to local and remote production centers, as in paragraph 151.

within a said print service provider facility, electronically allocating said order to at least one printer device. See, for example, prioritizing and routing orders as jobs to one or more printer devices at the centers, at paragraph 151.

printing at least one print item according to said order. See paragraph 116, which discloses tracking a job progress as it proceeds through the workflow. See also paragraph 117, concerning actions that take place after a job is completed. See also references to delivery, billing and payment for ordered print products, paragraph 116.

**As per claim 12**, Blumberg discloses allocating a plurality of said print items to a plurality of printer devices, taking into account for each printer device, parameters

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selected from the set: availability of said printer device; a sheet material type loaded onto said printer device; an ink type loaded onto said printer device; a percentage utilization of said printer device. See, for example, at least references to routing to particular printer devices based on job type and resource availability.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
20 June 2005

*James Zurita*  
*Patent Examiner*  
*AU 3625*